Provisional

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International Law Commission

Seventieth session (first part)

Provisional summary record of the 3392nd meeting
Held at Headquarters, New York, on Tuesday, 1 May 2018, at 3 p.m.

Contents

Commemoration of the seventieth anniversary of the Commission

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18-06918 (E)

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Present:

Chair:	Mr. Valencia-Ospina
Members:	Mr. Al-Marri
	Mr. Cissé
	Ms. Escobar Hernández
	Ms. Galvão Teles
	Mr. Gómez-Robledo
	Mr. Grossman Guiloff
	Mr. Hassouna
	Mr. Hmoud
	Mr. Huang
	Mr. Jalloh
	Ms. Lehto
	Mr. Murase
	Mr. Murphy
	Mr. Nguyen
	Mr. Nolte
	Ms. Oral
	Mr. Ouazzani Chahdi
	Mr. Park
	Mr. Peter
	Mr. Petrič
	Mr. Rajput
	Mr. Reinisch
	Mr. Ruda Santolaria
	Mr. Saboia
	Mr. Šturma
	Mr. Tladi
	Mr. Vázquez-Bermúdez
	Sir Michael Wood

Secretariat:

Mr. Llewellyn	Secretary to the Commission

The meeting was called to order at 3 p.m.

Commemoration of the seventieth anniversary of the Commission (agenda item 11)

The Chair said that the Commission would commemorate its seventieth anniversary with events organized in New York and Geneva under the theme "70 years of the International Law Commission — Drawing a balance for the future". In New York, on 21 May 2018, the Commission would convene a solemn meeting, to be followed by two panel discussions on the relationship between the Commission and the Sixth Committee of the General Assembly, one focusing on structural challenges to the progressive development of international law and its codification, and the other addressing the interaction between the two bodies in the past and future. The events to be held in Geneva on 5 and 6 July 2018 would include a solemn meeting and discussions with legal advisers from capitals and other international law experts focusing on practical matters concerning the Commission and its cooperation with Member States in the progressive development of international law and its codification.

Mr. Nolte, speaking in his capacity as Chair of the advisory group on the commemoration of the seventieth anniversary of the Commission, said that the Codification Division had made all the necessary preparatory arrangements for the commemorative events under the guidance of the advisory group. On the basis of the working paper presented by the advisory group for consideration by the Planning Group of the Commission in 2017, the advisory group, assisted by the secretariat, had made further arrangements and had included regional groups in relevant decision-making.

Invitations to the events in New York had been sent to the Secretary-General of the United Nations, the President of the General Assembly, the President and judges of the International Court of Justice, the Under-Secretary-General for Legal Affairs and United Nations Legal Counsel, the Chair and representatives of the Sixth Committee, former Commission members and previous secretaries of the Commission. The United Nations Legal Counsel, representing the Secretary-General; the President of the General Assembly; the Chair of the Sixth Committee; Ambassador Jürg Lauber, Permanent Representative of Switzerland, representing the host State of the Commission; and Ms. Jennifer Newstead, Legal Adviser of the United States Department of State, representing the host State of United Nations Headquarters, had confirmed their participation in the solemn meeting, and Nico Schrijver, Professor of Public International Law at Leiden University and President of the Institute of International Law, would deliver a keynote speech. The discussions leading the two panel discussions on the relationship between the Commission and the Sixth Committee would include Commission members, legal advisers from capitals and Sixth Committee representatives.

Invitations to the events in Geneva had been sent to the President of Switzerland, the Director-General of the United Nations Office at Geneva, the President and judges of the International Court of Justice, the United Nations Legal Counsel, the United Nations Deputy High Commissioner for Human Rights, legal advisers from capitals, former Commission members and previous secretaries of the Commission. The Director-General of the United Nations Office at Geneva; the United Nations Legal Counsel, representing the Secretary-General; the head of the Directorate of International Law of the Ministry of Foreign Affairs of Switzerland, representing the host State; and the United Nations Deputy High Commissioner for Human Rights were expected to speak at the solemn meeting, and the President of the International Court of Justice would deliver a keynote speech. Five panel discussions would be held, addressing the impact of the Commission's work, its working methods, its function, the changing landscape of international law, and the authority and membership of the Commission in the future. In each case, papers prepared by members of academia would be presented and discussed. Furthermore, a photography exhibition on the Commission's accomplishments and the history of codification of international law was currently on display in New York and would subsequently be mounted in Geneva and in The Hague.

In considering the draft programme of commemorative events in New York and Geneva, the advisory group had consistently operated in a spirit of consensus and sought to select participants on the basis of their professional excellence, while achieving appropriate regional representation and gender balance. He suggested that the Commission should take note of the draft programme of events, which had been circulated to members and would soon be finalized. In addition, in consultation with the United Nations Publications Board, the Commission was making arrangements for the proceedings of the events to be published by a reputable publisher. A registration platform for the events in New York and Geneva was accessible through the Commission's website.

He welcomed the efforts of Commission members who had assisted in securing from Governments significant voluntary contributions to the trust fund for the Office of Legal Affairs to support the promotion of international law in order to facilitate the commemoration of the Commission's seventieth

anniversary, pursuant to General Assembly resolution 72/116. Those contributions would cover expenses and incidental costs related to the organization of the events in New York and Geneva, including the travel of keynote speakers and panellists; the preparation of promotional material; the mounting of the photography exhibition; decorations, music and refreshments at the conference hall in Geneva; and receptions. Some resources would also be reserved for the publication of the event proceedings with a view to ensuring that it was readily available to potential users, including from developing countries.

With regard to cash contributions, the Government of Chile had pledged $50,000; the Government of China had pledged $10,000; the Government of Finland had pledged 10,000 euros; the Government of Ireland had pledged $10,000; the Government of Portugal had pledged $5,043; the Government of Qatar had pledged $10,000; the Government of Singapore had pledged $5,000; and the Government of the United Kingdom had pledged 5,000 pounds. In addition, Istanbul Bilgi University had pledged $5,000, while contributions from other institutions and individuals had collectively amounted to $4,000. As for in-kind contributions, the Governments of India, Japan and Viet Nam would host the lunch reception in New York on 21 May 2018; the Governments of the Republic of Korea and Portugal would host the reception for the official launch of the photography exhibition in New York on 21 May 2018; the Government of Romania would host the evening reception in New York on 21 May 2018; the Government of Germany would host the lunch reception in Geneva on 5 July 2018; the Government of Switzerland would provide the music during the solemn event and would host the evening reception in Geneva on 5 July 2018; and the Governments of Austria and the Czech Republic would host the lunch reception in Geneva on 6 July 2018.

Mr. Llewellyn (Secretary to the Commission) said that the advisory group had provided the secretariat with the information required to carry out the preparations for the commemoration of the Commission's seventieth session. The secretariat had held a briefing for members of the Sixth Committee prior to the commemorative events in New York, during which Committee members had expressed their interest in participating in the panel discussions on the relationship between the Committee and the Commission. Similar briefings would be held following the events in New York and Geneva. A finalized programme of events would be circulated as soon as possible, and the solemn meetings in New York and Geneva would be broadcast on United Nations Web TV. It was worth noting that the photography exhibition already on display featured the names of those countries and institutions that had contributed in cash and in kind to the trust fund for the Office of Legal Affairs to support the promotion of international law.

The Chair said that, in addition to the events scheduled for 21 May 2018 and 5 and 6 July 2018, a number of other commemorative events had been planned, many of which were listed on the Commission's website. For instance, on 17 May 2018, the Permanent Representative of Colombia would host a reception and, on 18 May 2018, it would sponsor a symposium on the draft articles on the protection of persons in the event of disasters adopted by the Commission at its sixty-eighth session. A number of other events had been also organized by the United Nations Headquarters Library, permanent missions, and members and friends of the Commission. He requested the secretariat to circulate an updated list of the events to Commission members. The overwhelming contributions made by Member States to the trust fund for the Office of Legal Affairs to support the promotion of international law would ensure the success of the commemorative events in New York and Geneva. He commended the secretariat on the quality of the photography exhibition on the historical achievements of the Commission.

Mr. Grossman Guiloff commended the work of the advisory group, which had successfully navigated the complexities of bringing together the various groups involved, ensuring the relevance of the planned events and establishing meaningful programme content that looked both to the past and to the future.

Mr. Reinisch, expressing his gratitude to the members of the advisory group, said that some former members of the Commission who had registered to attend the commemorative events in New York or Geneva wished to know whether they would also be required to register the assistants who would accompany them to the events.

Mr. Llewellyn (Secretary to the Commission) said that if current Commission members had assistants already with them for the part of the session being held in New York or Geneva, those individuals would be in the system and no additional registration would be required. However, any assistants to be brought in specifically for the commemorative events would need to be registered.

Responding to a question from **Ms. Oral**, he confirmed that a commemorative photograph of all members would be taken to mark the seventieth anniversary of the Commission. He would consult with

the Chair to arrange when and where the photograph would be taken.

Mr. Al-Marri said that he was pleased to support the Commission as much as possible, both in his role as Chair of the Rule of Law & Anti-Corruption Center Geneva and through his contact with the Permanent Representative of Qatar to the United Nations at Geneva. He stood ready to provide further assistance as required and would be grateful if the secretariat could advise what would be helpful. He would also host a lunch for the members of the Commission during the second week of its work in Geneva in July 2018.

The Chair expressed appreciation for Mr. Al-Marri's offer of assistance and his continued generosity towards the Commission.

Mr. Jalloh commended the advisory group for balancing all the various factors involved in preparing the programme of work and thanked all members of the Commission who had assisted with fundraising for the commemorative events. With regard to the publication mentioned by Mr. Nolte, he understood that only those members of the Commission who were to speak at the commemorative events had been invited to prepare papers for inclusion in the publication; he would like to know whether consideration had been given to the possible contribution of papers by other members. He also wondered whether all former members of the Commission; representatives of the African Union Commission on International Law, Inter-American Juridical Committee and other bodies that regularly cooperated with the Commission; and certain academic researchers should be invited to the events. Lastly, he was organizing a symposium at his university in celebration of the Commission's seventieth anniversary and hoped that some Commission members would be interested in speaking at that event, although funding was limited.

Mr. Nolte, speaking in his capacity as Chair of the advisory group on the commemoration of the seventieth anniversary of the Commission, said that the advisory group had not considered the possibility of inviting Commission members other than those participating in the commemorative events to contribute papers for the publication. Such contributions might perhaps be envisaged but might raise questions of balance so he could not provide a definitive answer at present. All former members of the Commission had already been invited to attend the commemorative events; however, additional invitations might be extended to some other individuals, such as members of the International Council of Environmental Law. Extending invitations at short notice might give rise to practical problems; nonetheless, any member who wished to propose additional invitees, without financial implications, should inform the Chair, the secretariat or himself so that a decision could be taken on the individual merits. He expressed his appreciation to the Secretary of the Commission for all the support provided in ensuring the smooth preparation of the commemorative events and stressed that the secretariat was the backbone of all of the Commission's activities.

Mr. Llewellyn (Secretary to the Commission) said that the collaboration between the advisory group and the secretariat had been smooth and effective. Replying to Mr. Jalloh's question, he confirmed that representatives of the African Union Commission on International Law, the Committee of Legal Advisers on Public International Law of the Council of Europe, the Asian-African Legal Consultative Organization and the Inter-American Juridical Committee had been invited to attend the commemorative events.

The Chair suggested that the members of the Commission should take note of the oral report presented by Mr. Nolte in his capacity as chair of the advisory group on the commemoration of the seventieth anniversary of the Commission and the circulated draft programme for the events in New York and Geneva.

It was so decided.

The meeting rose at 4 p.m. to enable the Planning Group to meet.